

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1234 of 2023

Arising Out of PS. Case No.-302 Year-2021 Thana- BIRAUL District- Darbhanga

1. Fardeen Alam Khan Son Of Sri Farid Khan @ Farid Alam Khan R/O Village- Ahilwara, P.S.- Biraul, District- Darbhanga
2. Saif Ali Khan Son Of Sri Farid Khan @ Farid Alam Khan R/O Village- Ahilwara, P.S.- Biraul, District- Darbhanga
3. Shahwaz Khan @ Shahanwaj Ali Khan @ Shahbaz Ahmad Khan @ Saddam Khan Son Of Sri Farid Khan @ Farid Alam Khan R/O Village- Ahilwara, P.S.- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kr. Thakur Mr.Ritwik Thakur Ms.Vaishnavi Singh
For the Informant	:	Mr.Vinay Kr. Mishra
For the Opposite Party/s	:	Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-03-2023 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 307, 379 and other allied sections of the Indian Penal Code.

As per the prosecution case, all the three petitioners assaulted Tamanna Ahmad Khan (elder brother of informant) with their respective weapons.

It is submitted that present case is counter blast of Biraul PS Case No. 314 of 2021. As a matter of fact, no occurrence as alleged in the FIR has ever taken place. It was



prosecution party who allegedly came at Darwaja of Faiyaz Ahmad Khan and started assaulting and looting household articles in which people from petitioners sides got injured. Initially, injuries caused by these petitioners are simple in nature. Later on, on the basis of NCCT report of brain one of the injuries was found to be grievous in nature. There is no specific allegation as to who caused the grievous injury. Petitioners claim clean antecedents.

Counsel for informant however vehemently opposed the prayer for bail.

Considering the backdrop in which the alleged occurrence took place and clean antecedents, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate Ist, Biraul, Darbhanga in connection with Biraul P.S. Case No. 302 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

U		T	
---	--	---	--

